

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

SEP 19 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

CR 19 0455

CRB

CARLOS FLORES and MEHARI TESFAI,

DEFENDANT(S).

INDICTMENT

21 U.S.C. § 841(a)(1) and (b)(1)(C) – Distribution of Cocaine Base;
21 U.S.C. § 841(a)(1) and (b)(1)(C) –
Possession with Intent to Distribute Cocaine Base;
21 U.S.C. § 841(a)(1) and (b)(1)(C) –
Possession with Intent to Distribute Heroin;
21 U.S.C. § 841(a)(1) and (b)(1)(C) –
Possession with Intent to Distribute Cocaine; and
21 U.S.C. § 853 – Forfeiture Allegation

A true bill.

Foreman

Filed in open court this 19 day of Sept 2019

KAREN L. HOM

Clerk

Bail, \$ No Bail

Warrant

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

OFFENSE CHARGED

COUNT 1:

21 U.S.C. §§ 841(a)(1) & (b)(1)(C)

☐ Minor☐ Misdemeanor☒ Felony

PENALTY:

COUNT 1:

20 years' imprisonment; 1,000,000 fine; minimum 3 years' supervised release and maximum of life; \$100 special assessment

DEFENDANT - U.S.

SEP 19 2019

Carlos Flores

SUSAN Y. SOONG

CLERK, U.S. DISTRICT COURT

NORTH DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR 19 0455**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

DEA

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA Michael A. Rodriguez

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Date/Time:

Before Judge:

Comments:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**OFFENSE CHARGED**

COUNTS 2-4:

21 U.S.C. §§ 841(a)(1) & (b)(1)(C)

☐ Misdemeanor
☒ FelonyPENALTY: COUNTS 2-4:
20 years' imprisonment; 1,000,000 fine; minimum 3 years' supervised release and maximum of life; \$100 special assessment

DEFENDANT - U.S.

SEP 19 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
DISTRICT COURT NUMBER**CR 19 0455****PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

DEA

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underName and Office of Person
Furnishing Information on this form DAVID L. ANDERSON☒ U.S. Attorney ☐ Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned) AUSA Michael A. Rodriguez**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer
been filed? ☐ Yes ☐ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANTBail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

SEP 19 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

~~CONFIDENTIAL~~

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

CRB

12
13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 CARLOS FLORES and
17 MEHARI TESFAI,

18 Defendants.

CR 19 0455

VIOLATIONS:

21 U.S.C. § 841(a)(1) and (b)(1)(C) – Distribution of
Cocaine Base;
21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with
Intent to Distribute Cocaine Base;
21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with
Intent to Distribute Heroin;
21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with
Intent to Distribute Cocaine; and
21 U.S.C. § 853 – Forfeiture Allegation

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20
21 INDICTMENT

22 The Grand Jury charges:

23 COUNT ONE: (21 U.S.C. § 841(a)(1) and (b)(1)(C) – Distribution of Cocaine Base)

24 On or about August 27, 2019, in the Northern District of California, defendant,

25 CARLOS FLORES,

26 did knowingly and intentionally distribute a mixture and substance containing a detectable amount of
27 cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Section

28 INDICTMENT

18

1 841(a)(1) and (b)(1)(C).

2 COUNT TWO: (21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute
3 Cocaine Base)

4 On or about August 27, 2019, in the Northern District of California, defendant,

5 MEHARI TESFAI,

6 did knowingly and intentionally possess with the intent to distribute a mixture and substance containing
7 a detectable amount of cocaine base, a Schedule II controlled substance, in violation of Title 21, United
8 States Code, Section 841(a)(1) and (b)(1)(C).

9 COUNT THREE: (21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute
10 Heroin)

11 On or about August 27, 2019, in the Northern District of California, defendant,

12 MEHARI TESFAI,

13 did knowingly and intentionally possess with intent to distribute a mixture and substance containing a
14 detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States
15 Code, Section 841(a)(1) and (b)(1)(C).

16 COUNT FOUR: (21 U.S.C. § 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute
17 Cocaine)

18 On or about August 27, 2019, in the Northern District of California, the defendant,

19 MEHARI TESFAI,

20 did knowingly and intentionally possess with the intent to distribute a mixture and substance containing
21 a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United
22 States Code, Section 841(a)(1) and (b)(1)(C).

23 FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

24 The allegations contained above are hereby re-alleged and incorporated by reference for the
25 purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

26 Upon conviction of any of the offenses alleged in Counts One through Four, above, the
27 defendants,

28 //

INDICTMENT

CARLOS FLORES and
MEHARI TESFAI,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a), all right, title, and interest in any property constituting and derived from any proceeds defendants obtained, directly or indirectly, as a result of such violations, and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including but not limited to a forfeiture money judgment.

If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

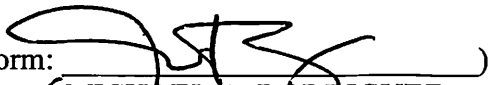
All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal Procedure 32.2.

DATED: 19 Sept 2019

A TRUE BILL.


FOREPERSON

DAVID L. ANDERSON

(Approved as to form: )

MICHAEL A. RODRIGUEZ
Assistant United States Attorney

INDICTMENT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FILED

SEP 19 2019

CRIMINAL COVER SHEET

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CR 19 0455

CASE NAME:

USA v. Carlos Flores & Mehari Tesfai

CR

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 2-7 ☒ 8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): Michael A. Rodriguez

Date Submitted: 9/19/2019

Comments:

CR 19-455 CRB